

Remarks

Claims 1, 2, 6-9, 11-16, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morlitz (U.S. Patent Application Publication No. 2002/0065800 A1, hereinafter "Morlitz") in view of Pepper et al. (U.S. Patent No. 7,206,777 B2, hereinafter "Pepper").

Claims 3, 4, 17, 20-23, 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morlitz in view of Pepper and further in view of Shanman et al. (U.S. Patent No. 7,231,357 B1, hereinafter "Shanman").

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morlitz in view of Pepper and further in view of Chow et al. (U.S. Patent No. 7,216,154B1, hereinafter "Chow").

Claims 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morlitz in view of Pepper and further in view of Shanman, and further in view of Chow.

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., to just avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, since a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent

form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewritten to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

Claim Amendments

Applicants have herein amended claims 1, 2, 6, 9 – 16, and 18-19.

Applicants have herein cancelled claims 7 – 8 and 20 – 27. Applicants are not conceding in this application that the cancelled claims are not patentable over the art cited by the Examiner. Applicants reserve the right to file one or more continuation applications to continue prosecution of the cancelled claims.

Applicants have herein added new claims 28 and 29.

No new matter has been entered.

Rejection Under 35 U.S.C. 103

Claims 1, 2, 6-9, 11-16, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morlitz in view of Pepper. The rejection is traversed.

Applicants have herein amended independent claim 1 to include a feature of "obtain the resource and the embedded data using a resource index file having information regarding the resource and the embedded data, wherein the resource index file includes a link listing comprising a plurality of links to the embedded data, wherein the link listing is arranged in an order of pre-determined times to obtain the embedded data." Applicants submit that the cited portions of Morlitz and Pepper, alone or in combination, fail to teach or suggest this feature.

As such, independent claim 1 is patentable over Morlitz and Pepper under 35 U.S.C. 103. Similarly, independent claims 12 and 16 recite relevant limitations similar to those recited in independent claim 1. As such, for at least the same reasons discussed

above, independent claims 12 and 16 also are patentable over Morlitz and Pepper under 35 U.S.C. 103. Furthermore, since all of the dependent claims that depend from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim also is allowable over Morlitz and Pepper under 35 U.S.C. 103.

Therefore, Applicants' claims 1, 2, 6-9, 11-16, 18, and 19 are patentable over Morlitz in view of Pepper under 35 U.S.C. 103. The Examiner is respectfully requested to withdraw the rejection.

Claims 3, 4, 17, 20-23, 25 and 27

Claims 3, 4, 17

Claims 3, 4, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morlitz in view of Pepper and further in view of Shanman. The rejection is traversed.

Each of these grounds of rejection applies only to dependent claims, and each is predicated on the validity of the rejection of independent claims 1 and 16 under 35 U.S.C. 103 given Morlitz in view of Pepper. Since the rejection of independent claims 1 and 16 under 35 U.S.C. 103 given Morlitz in view of Pepper has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Shanman supplies that which is missing from Morlitz and Pepper to render independent claims 1 and 16 obvious, these grounds of rejection cannot be maintained.

Therefore, Applicants' claims 3, 4 and 17 are patentable over Morlitz in view of Pepper and further in view of Shanman under 35 U.S.C. 103. The Examiner is respectfully requested to withdraw the rejection.

Claims 20-23, 25 and 27

Claims 20-23, 25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morlitz in view of Pepper and further in view of Shanman. The rejection is traversed.

Applicants have herein cancelled claims 20 – 23, 25, and 27. Thus, the rejection of these claims is moot.

Claim 10

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morlitz in view of Pepper and further in view of Chow. The rejection is traversed.

This ground of rejection applies only to dependent claims and is predicated on the validity of the rejection of claim 1 under 35 U.S.C. 103 given Morlitz in view of Pepper. Since the rejection of claim 1 under 35 U.S.C. 103 given Morlitz in view of Pepper has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Chow supplies that which is missing from Morlitz and Pepper to render the independent claim 1 obvious, this ground of rejection cannot be maintained.

Therefore, Applicants' claim 10 is allowable over Morlitz in view of Pepper and further in view of Shanman under 35 U.S.C. 103. The Examiner is respectfully requested to withdraw the rejection.

Claims 24 and 26

Claims 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morlitz in view of Pepper and further in view of Shanman, and further in view of Chow.

Applicants have herein cancelled claims 24 and 16. Thus, the rejection of these claims is moot.

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Eamon Wall at (732) 542-2280 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

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